

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA

-v-

ALBERTO WILLIAM VILAR and
GARY ALAN TANAKA,

Defendants.

USDS SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #: _____
DATE FILED: 1/28/10

No. 05 Crim. 621 (RJS)
ORDER

RICHARD J. SULLIVAN, District Judge:

The Clerk of the Court is respectfully directed to docket the attached letters.

Dated: January 27, 2010
New York, New York



RICHARD J. SULLIVAN
UNITED STATES DISTRICT JUDGE



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January 26, 2010

VIA EMAIL

The Honorable Richard J. Sullivan
United States District Judge
United States Courthouse
Southern District of New York
500 Pearl Street, Room 920
New York, NY 10007

Re: United States v. Gary Tanaka, S3 05 CR 621-02 (RJS)

Dear Judge Sullivan:

We represent Gary Tanaka in the above-referenced matter. We write to forward a letter written by Mr. Clifford Lawrence, a friend of Mr. Tanaka's for nearly five decades. We respectfully request that the Court docket this letter and consider its contents prior to sentencing.

Respectfully submitted,

A handwritten signature in black ink that reads "Glenn C. Colton".

Glenn C. Colton

cc: Marc Litt, Esq. (via email)
Josh Klein, AUSA (via email)
Jonathan Marks, Esq. (via email)

Bronxville, NY

REDACTED

December 30, 2009

Honorable Richard J. Sullivan

Daniel Patrick Moynihan

United States Courthouse

500 Pearl Street

New York, NY 10007-1312

Dear Judge Sullivan,

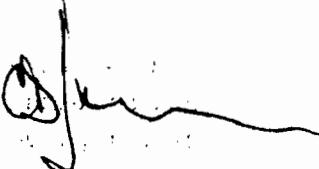
I have been a friend of Gary Tanaka since 1963 when we belonged to the same college fraternity at MIT. Subsequently Gary and I would see each other while we were living in London and New York. Throughout this time I have considered Gary generous friend whom I have always considered honorable and just.

At the fraternity Gary was fair minded and prepared to do his share to help others. One example of this attitude happened during the week-long cleanup and repair of our residence at the beginning of the school year. Gary volunteered to mend and repaint the very detailed trim on all the doors in our large house. It was a huge job. Gary spent the week sanding, patching and painting but the task was still far from finished. Rather than defer the job until the next year, Gary continued working on it through the school year. He noted that the house looked much better because of his efforts and he refused any help because he had agreed to do the job himself. His word was something he took and still takes very seriously.

In the year 2000 Gary made a very substantial donation to support the formation of a business school at Imperial College, London. In thanks, Imperial College named the new school the *Tanaka Business School*. Impressive as this donation I was more moved by Gary's later action. He had made the donation, in part to thanks the university where he got his graduate degrees but also because he strongly supported the idea of a business school at Imperial. He was exceptionally proud that the school was named after him but after his arrest his first thought was that Imperial College should not suffer any embarrassment or any loss of status because of the association with his name. He proposed to the school that there should be a name change and for the 2008 school year the name was changed to the *Imperial College Business School*.

I was greatly distressed at Gary's arrest and trial. I have known Gary for 46 years and throughout this time he has always been a decent, generous and honorable friend. I've never encountered any improper behavior from Gary and I hope this can be reflected in your sentencing decisions.

Yours Truly



Clifford Lawrence

LATCHEZAR CHRISTOV

January 22, 2010

Hon. Richard Sullivan
DPM US Court House
500 Pearl Street
NY,NY 1007-1312

Re:Alberto Vilar

Your Honor:

It has come to my attention that you will be sentencing the above named individual in the very near future.

I am sure that the millions he stole were well documented in court. There were others, like myself, who were also cheated by Vilar in numbers approaching those evidenced in court. What was worse is that he was a long time "friend" who came to me years ago and asked for assistance in raising money for him to manage at Amerindo. He gave me a letter memorializing how I would be paid and how much for accounts I introduced to him. In all fairness, he did pay me for awhile-until the fees I earned were too big for him to have to deal with. He just refused to pay me any longer irrespective of friendship or that I had introduced accounts that represented almost 20% of all the funds he had under management. He was so conniving and crooked that he had not disclosed to the SEC of our fee-sharing agreement. This was obviously designed for just such an outcome as I faced-too much in fees to pay so he opted out of the agreement and used the SEC non-disclosure as the excuse.

He also used his "illness" in an attempt to be excused from the arbitration I brought against Amerindo. The arbitrator did not buy that and Vilar lost the arbitration but I was unable to collect due to the non-disclosures. He lost AND kept the money. Sometimes I wonder about the justice system.

I hope the Court sends him away for a long time as he does not deserve to be walking the street. Make no mistake about Vilar. He is smart-devious but not obviously that smart. If he was let off for time served he'll figure out some other scam to maintain himself and he does not deserve the chance.

Sincerely,



Latchezar Christov

Janeczka Le Port-Tanaka

[REDACTED]
London
[REDACTED]

Dear Judge Sullivan,

My name is Janeczka Le Port-Tanaka and Gary Tanaka is my adoptive father but whom I call Dad, and have done so for the last twenty-two years. I would like to take this opportunity to apologise for the lateness of my letter, it has been a task, which I have sat down to on several occasions, and only at this final stage in the proceedings do I feel that I have been able to put my thoughts into words.

Gary Tanaka has been in my life since the age of four and now as a twenty-six year old woman I am proud to call him my Dad. My biological father whom I have only met once in my life and with whom I have no contact left both my Mum and myself when I was only thirteen months old. Dad has given me the greatest gift, the gift of being the best father possible in another man's shameful place. Having only boys from his previous marriages and I as the only girl, Dad and I have a special bond and one, which I have suffered greatly without for the last five years.

As a young and fragile child, unaccustomed to male company in the house, Dad grew our relationship gently and with consideration for my sensitive nature. He always treated my Mum with the utmost respect, which fostered my trust and comfort in our family unit. Of all his children, I have lived with him for the longest period and have extremely fond memories of our life together. For ten years my Dad made me breakfast and drove me to school and was always on hand for a pick up when I needed it. Hours would be spent watching classic Star Trek episodes just the two of us and eating Chinese food. On one holiday to Mexico in torrential rain we were the only two people left in the pool and frolicking for hours. My passion for fishing comes from one of my favourite trips to Montana together, as does my love of cheeseburgers. Dad always took time to buy me the most thoughtful of gifts, whether it be my favourite sweets that he could only get in America or socks with special frills, he always showed me he cared and that I was just as important to him as if I were his own flesh and blood.

Aside from our day-to-day relationship, Dad has provided me with the most discerning upbringing. I have been privileged enough to have enjoyed the best possible education and I owe my First Class degree to the foundations that were set early at home. He is a vastly intelligent man, one who spent hours sitting at the kitchen table helping me with my maths homework, always patient with me and eager to help. Dad has taught me the lessons of working hard in life, always trying to achieve one's best but always with a sense of humility and with consideration for others. I have been lucky enough to see much of the world with Dad, I was always taken on trips, never left behind as an after thought and on all our numerous travels I always witnessed the gentle and respectful manner in which Dad treated everyone from bell boys to business colleagues and this is a true testament to his character. My

Dad has always been and still is a major component of my life. Never was he a typical high-flying businessman with no time for family, he made our family strong by marrying my mother and taking responsibility for me, this unit was made only more perfect with the birth of my brother Alex.

The last seven years have been what can only be named a nightmare for my Mum, my little brother and of course myself. We are Dad's immediate family; it is our home that was first shaken to the core by his illness and then later by the charges against him. The house has been left as if he departed yesterday, his slippers and razor are still in the same place, his bottles of Root Beer have not been drunk, we his family, are still waiting for the day he comes home and when we can return to some sort of normality if that is at all ever possible again.

Dad has missed integral moments of my life. He was never able to see me once at university, he was not there to see me graduate at the top of my class, he has never met a boyfriend of mine to cast a fatherly eye, he has not seen my apartment that I now live in London, he was not there to toast the success of my first job and he wasn't there when I was admitted into hospital. Most importantly he hasn't been there to comfort and protect me as a father should when the struggles of everyday life sometimes become too much.

On a personal note, I have found the last five years extremely traumatic and as much as I tried to resist it I have been taking anti-depressants for the last year. I started to suffer extreme panic attacks after last year's trial, which I attended and since that time have been unable to control them enough to the point that I had no choice but to leave my previous job. My immediate family have been under such constant strain and for so long that the cracks in all our lives are beginning to show in all of us and we desperately want our family to be together again.

One of my greatest concerns is the effect this situation has on my young brother Alex who has not seen Dad since the age of nine and he is now fourteen. I, as a grown woman, have suffered the pain of the last half-decade but I can only imagine the torment that he has had to endure. Alex is a wonderful young boy, a high achiever and with a huge heart. He has acted with the utmost grace during the whole affair, but I, as his sister, can see the pain that this has caused him. My Mum and I have done our utmost to love and nurture him but the love of a father is something we cannot and will never be able to replicate however hard we try. For all that I have been lucky to have in my childhood my poor brother has not only had to be deprived of but has had to deal with the kind of trauma that no young boy should have to cope with. If not for myself, I beg you to bring our Dad back to him soon so that they can begin to build the same integral relationship that I have with my father before it is too late for both of them.

I have the utmost admiration for my Mum whose own life has effectively stopped for the last five years. Her only goal in life has been to keep the family together and to strive to keep our hopes up and to remain optimistic about the future. She has been a rock for my brother and for myself and ultimately for my Dad. Mum has been cut off from the outside world and she channels all her suffering into being a good mother and wife. However, after five gruelling years I know she is tired, tired of coping on her own, living the life of effectively a single mother and tired of having to fight

everyday to keep a smile on her face for our benefit. She misses her Dad and she misses our family unit. This situation is all consuming and suffocating for us all. On the rare occasion that we momentarily forget the hardship we are all suffering a greater sadness hits us as we realise that we are missing Dad and that no one or nothing can replace him.

Before my eighteenth birthday I was given the choice as to whether I wanted Dad to officially adopt me. Today, I realise that agreeing was the best decision of my life. I could not ask for warmer, kinder, more insightful, loving father than Gary Tanaka. He has shaped me into the person I am today and for this I will be eternally grateful. I want and need my Dad to be back in my life on a daily basis, we have both missed precious moments together. I am proud to call him my Dad.

Yours sincerely,

Janeczka Le Port-Tanaka

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January 20, 2010

Hon. Richard J. Sullivan
U.S. District Court
Southern District of New York
500 Pearl Street
New York, NY 10007

Dear Judge Sullivan,

I was asked to provide information related to the philanthropy of Alberto Vilar and the Hospital for Surgery. In the late 1990's, Mr. Vilar had been a patient at hospital and had requested information regarding donating to our efforts in clinical research. As there were few electronic systems to collect clinical research information, I felt that a donation towards this effort would be meaningful and lasting. This effort also aligned with his interest in technology.

In those years he donated over \$2 million dollars which was used directly to design, construct and implement a software system for the collection of clinical research data in a safe and reliable system.

This system is still in very active use at our hospital and has facilitated major research efforts in arthritis, joint replacement and trauma. It is the core technology for several Federal grants and international studies.

If seek more details, please feel free to contact me.

Sincerely,

A handwritten signature in black ink, appearing to read "R.N.H." followed by a long horizontal line.

Robert N. Hotchkiss, MD

RNH/jt

Cc: Jonathan Marks, P.C.
220 Fifth Avenue, Suite 300
New York, NY 10001

Robert N. Hotchkiss, MD
Director of Clinical Research

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